



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

November 29, 2023

By ECF

The Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *D.J.C.V., et al. v. United States of America*, No. 20 Civ. 5747 (PAE)

Dear Judge Engelmayer:

This Office represents defendant the United States of America (the “Government”) in the above-referenced action. I write on behalf of all parties respectfully to request referral of this matter to a magistrate judge for a settlement conference and a temporary stay of discovery so that the parties can explore the possibility of settlement before incurring the costs associated with completing discovery.

Discovery regarding the second period of separation at issue in this case is scheduled to conclude by January 30, 2024. (ECF No. 248.) To date, the parties have produced documents, the Government has requested and received relevant documents from several third parties, and Plaintiffs have deposed three Government witnesses. The Government is scheduled to depose a third party, one of Plaintiff D.J.C.V.’s former foster parents, on December 1, 2023, and Plaintiff G.C. on December 4, 2023. Based on the discovery exchanged to date, the parties believe that settlement negotiations at this time may lead to a consensual resolution of the matter. Accordingly, we respectfully request a referral to a magistrate judge for a settlement conference. We also request that the Court temporarily stay discovery while the parties pursue settlement discussions to conserve the parties’ resources and avoid further expenditures on experts, court reporters, and other litigation expenses. In the event that this request is granted, the parties further respectfully request that the discovery stay commence on December 2, 2023, to permit the nonparty deposition of D.J.C.V.’s former foster parent to proceed on December 1 as planned and avoid the difficulty of potentially having to coordinate that nonparty deposition a second time.

If the parties are unable to reach a consensual resolution at the settlement conference, we respectfully propose to submit a status letter seven days after the conference to either update the Court on the status of settlement discussions or seek a new date by which discovery must be completed.

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We thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

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cc: Plaintiffs' Counsel (By ECF)